

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MOHAMED ABDALLA MAHMOUD,
Petitioner,
v.
NETHANJAH BREITENBACH, *et al.*,
Respondents.

Case No. 3:23-cv-00046-ART-CLB
ORDER

This habeas corpus action was initiated on February 2, 2023, by Mohamed Abdalla Mahmoud, who is incarcerated at the Northern Nevada Correctional Center. On that date, Mahmoud submitted for filing an application to proceed *in forma pauperis* (ECF No. 1), a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (ECF No. 1-1), and two motions for appointment of counsel (ECF Nos. 1-2, 1-3).

Mahmoud's application to proceed *in forma pauperis* (ECF No. 1) is not on the form required by this Court, and, largely for that reason, it is incomplete. *See* Local Rule LSR 1-1, 1-2. For example, the application does not include the required financial certificate signed by a prison officer. *Ibid.* Therefore, the Court will deny Mahmoud's *in forma pauperis* application, without prejudice, and will grant Mahmoud time to either file a new, complete application using the proper form, or to pay the \$5 filing fee for this action. The Clerk of the Court will be directed to send Mahmoud the proper form for an application to proceed *in forma pauperis*. *If Mahmoud does not, within the time allowed, file a new, complete in forma pauperis application using the proper form, or pay the \$5 filing fee, this action will be dismissed.*


The Court also observes that Mahmoud's petition for writ of habeas corpus (ECF No. 1-1) is not on the form required by this Court, and, as such, does not

1 include all the information called for by the Court's form petition, which
2 information is necessary for the Court to screen the petition. While Mahmoud's
3 petition has not yet been filed or screened, because the matter of payment of filing
4 fee has not been resolved, the Court will direct the Clerk of the Court to send
5 Mahmoud the proper form for a habeas petition. Mahmoud may submit for filing,
6 along with his new *in forma pauperis* application or payment of the filing fee, an
7 amended petition for writ of habeas corpus on the proper form. If he does so,
8 Mahmoud should entitle the amended petition his "First Amended Petition for
9 Writ of Habeas Corpus," and he should include in the caption the case number
10 of this case (3:23-cv-00046-ART-CLB).

11 It is therefore ordered that Petitioner's Motion for Leave to Proceed *in Forma*
12 *Pauperis* (ECF No. 1) is denied, without prejudice. Mahmoud will have 60 days
13 from the date of this order to either file a new, complete *in forma pauperis*
14 application using the proper form, or to pay the \$5 filing fee for this action.

15 It is further ordered that the Clerk of the Court is directed to send Petitioner
16 the form, and any available instructions, for an application to proceed *in forma*
17 *pauperis* by a person in state custody, and the form, and any available
18 instructions, for a petition for a writ of habeas corpus pursuant to 28 U.S.C. §
19 2254 by a person in state custody.

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21 DATED THIS 21st day of February, 2023.

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24 ANNE R. TRAUM
25 UNITED STATES DISTRICT JUDGE
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